

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN THE MATTER OF	:	
FRANCES SCARBOROUGH, Debtor	:	
	:	
FRANCES SCARBOROUGH,	:	CIVIL ACTION
Plaintiff and Appellant,	:	
	:	
v.	:	NO. 07-4236
	:	
WILLIAM C. MILLER,	:	
Defendant and Appellee.	:	

IN THE MATTER OF	:	
FRANCES SCARBOROUGH, Debtor	:	
	:	
FRANCES SCARBOROUGH,	:	CIVIL ACTION
Plaintiff and Appellant,	:	
	:	
v.	:	NO. 09-1984
	:	
CHASE HOME FINANCE, LLP,	:	
Defendant and Appellee.	:	

SUPPLEMENTAL MEMORANDUM / ORDER

On February 8, 2011, Appellee/Intervenor filed a motion entitled “Emergency Motion for Clarification” which I will treat as a timely filed Motion for Reconsideration of this Court’s Memorandum and Order dated February 1, 2010.

Essentially, Appellee/Intervenor is concerned that the February 1, 2011 Order only disposes of the appeal filed to 07-cv-4236 and not the one filed to 09-cv-1984.

It is understandable why Appellee/Intervenor feels this way, since my intent to dismiss both appeals is not clear from the opinion itself, although the order reflects that intent.

Because I concluded that my decision affirming Judge Frank's September 5, 2007 bench order of September 5, 2007 finding the Appellant's Chapter 13 Plan was not confirmable and therefore denied the 07-4236 appeal, it was my thinking that this also was decisive of the 09-cv-1984 appeal, which was only of concern if I found that the Chapter 13 Plan was indeed confirmable.

In addition, my analysis of Judge Frank's reasoning in dismissing AP08-0058 (the appeal from which was before Judge Fullam both in 08-cv-4873, remanded to Judge Frank, and in 09-cv-1984, the appeal from Judge Frank's April 8, 2009 order regarding Judge Fullam's remand) is that he was correct in determining that no stay was in effect during the time Appellee/Intervenor commenced its foreclosure action.

Based on the foregoing, the Motion of Appellee/Intervenor is **GRANTED**, and this Supplemental Memorandum is filed to the Memorandum and Order dated February 1, 2011, and the Order entered by that Memorandum is **AMENDED** as follows:

AND NOW, this 10th day of February, 2011, it is hereby **ORDERED** that the order of Judge Eric L. Frank dated September 5, 2007 denying confirmation of Appellant's plan is **AFFIRMED**. The order of Judge Eric L. Frank granting Appellee/Intervenor's Motion to Dismiss AP08-0058 with prejudice is **AFFIRMED**. The appeals filed to civil action numbers 07-4236 and 09-1984 are **DENIED**. Accordingly, both of these cases are **CLOSED**.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S. J.